

REMARKS

The Office Action mailed September 19, 2005 has been carefully considered. Within the Office Action Claims 29-45 have been rejected. The Applicants have amended Claims 29-31, 34-36, 38-40 and 42-45. Reconsideration in view of the following remarks is respectfully requested.

Objection to Drawings

In the Office Action, the drawing were objected to. The Applicants have submitted corrected drawings in the present Response. The changes to the drawings are discussed in the Amendments to the Drawings section of the present Response. Applicants respectfully request withdrawal of the objection.

Objection to Specification

In the Office Action, the specification was objected to. The Applicants have amended the Cross References Section on page 1 of the present application to correct the inadvertent error. The Applicants respectfully request withdrawal of the objection.

The 35 U.S.C. § 112, First Paragraph Rejection

Claims 29-45 stand rejected under 35 U.S.C. § 112, first paragraph, for allegedly failing to comply with the enablement requirement. This rejection is respectfully traversed.

Claim 29 has been amended to recites, "said hollow membrane arranged within a sealed enclosure in such a way as to provide, between at least one side of said hollow

membranes and an adjacent side wall of the enclosure, spaces for the circulation of the first fluid uniquely in communication with the inside of the capillary tubes of the hollow membranes”. Page 23, Lines 1-33 as well as Page 24, Lines 1-6 provide adequate disclosure of the limitation in question in Claim 29. For at least these reasons, Claim 29 overcomes the rejection and is in condition for allowance.

Claims 30-45 are dependent on Claim 29, which is allowable for at least the reasons stated above. Accordingly, Claims 30-45 are allowable for being dependent on an allowable base claim.

The 35 U.S.C. § 112, Second Paragraph Rejection

Claims 29-45 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter that the Applicant regards as the invention. This rejection is respectfully traversed. Nonetheless, Claim 29 has been amended to recite at least two hollow membranes. In addition, Claim 29 has been amended to recite means for circulating said first fluid and means for circulating a second fluid. For at least these reasons, Claim 29 overcomes the rejection and is in condition for allowance.

It should be noted that Claim 29 has been amended to change “at least one second fluid” to “said second fluid”. This amendment was done for cosmetic purposes and was not amended for patentability purposes.

Claims 30-45 are dependent on Claim 29, which is allowable for at least the reasons stated above. Accordingly, Claims 30-45 are allowable for being dependent on an allowable base claim.

The 35 U.S.C. § 101 Rejection

Claims 29-45 stand rejected under 35 U.S.C. § 101 for allegedly not being drawn to a statutory class. Claim 29 has been amended as discussed above and therefore now overcomes the rejection. Accordingly, the Applicants respectfully request withdrawal of the rejection.

Conclusion

It is believed that this Response places the above-identified patent application into condition for allowance. Early favorable consideration of this Response is earnestly solicited.

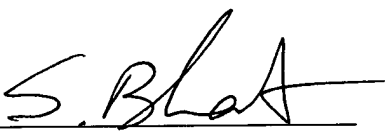
If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Respectfully submitted,

THELEN REID & PRIEST, LLP

Dated: 1/19/06


Suvashis Bhattacharya
Reg. No. 46,554

Thelen Reid & Priest LLP
P.O. Box 640640
San Jose, CA 95164-0640
Tel. (408) 292-5800
Fax. (408) 287-8040

Amendments to the Drawings

The attached sheet of drawings includes changes to Figures 4, 10 and 11. The attached sheets replace the original sheets. In Figure 4, lead lines for reference numeral 13 have been added. In Figures 10 and 11, the words "FLUIDE" have been amended to read "FLUID."

Attachment: Replacement Sheets

Annotated Sheets Showing Changes



Annotated sheet

ROBERT E. KREBS
THELEN REID & PRIEST LLP
EXPRESS MAIL NO. EV310852139US
TRP DOCKET NO.: 034299-538

SHEET 1 of 4

FIG. 1

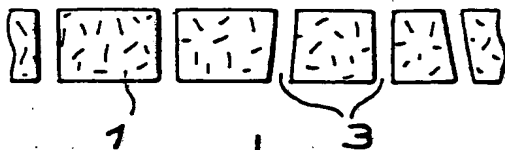


FIG. 2

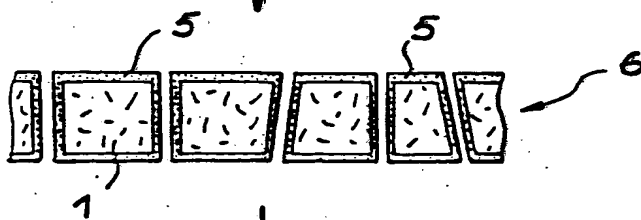
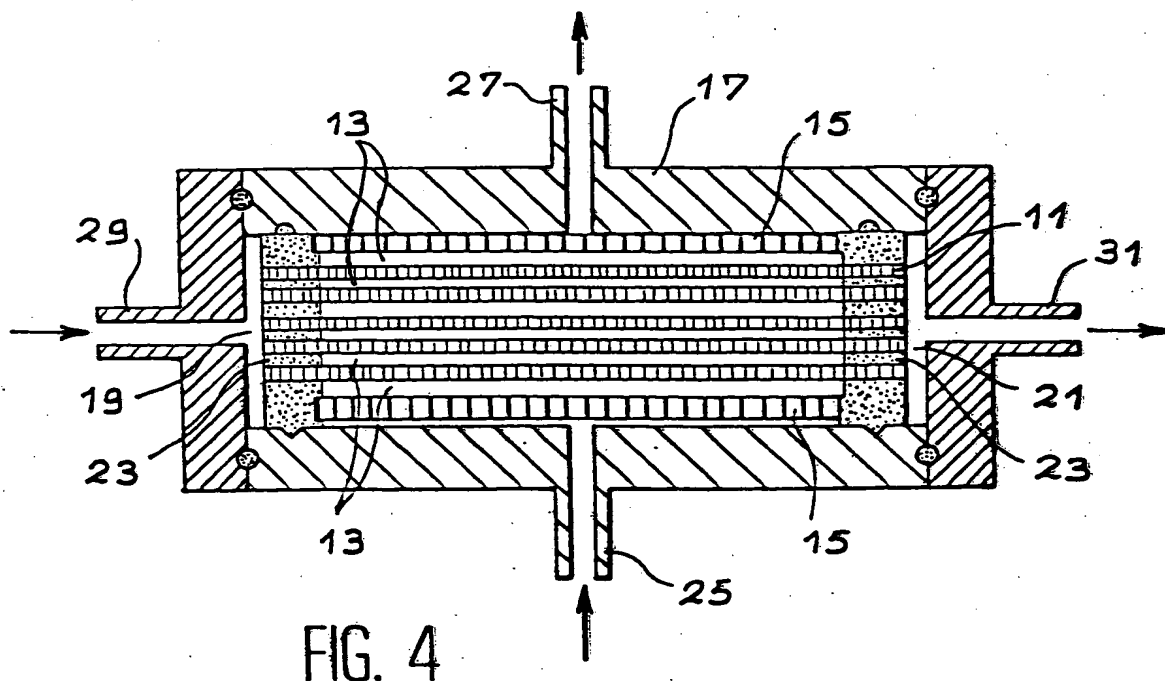
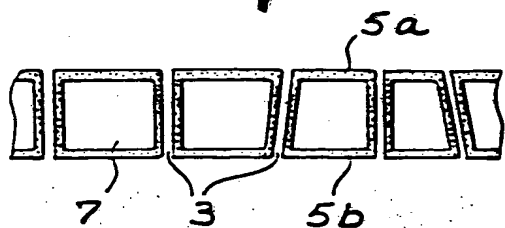


FIG. 3



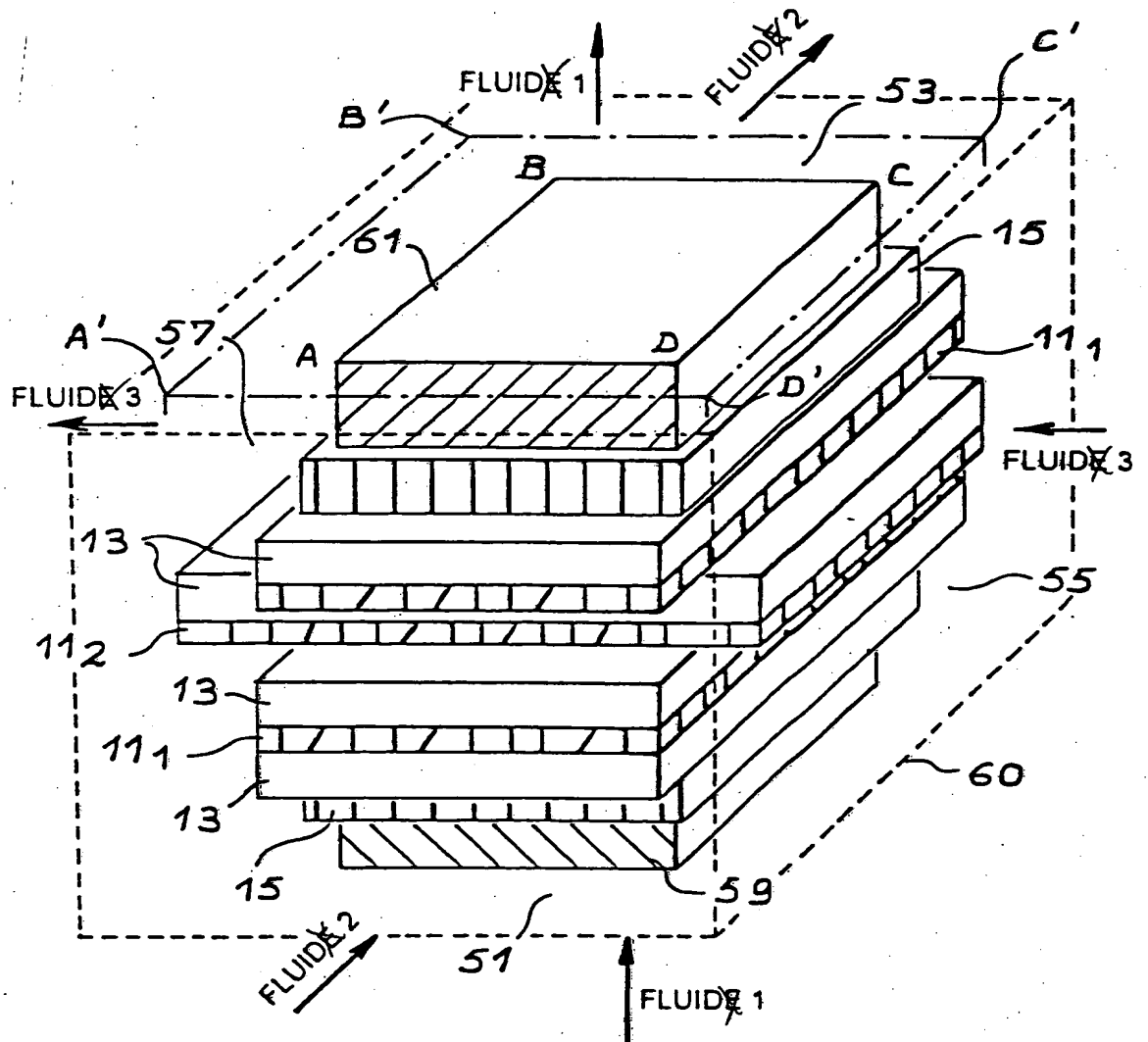


FIG. 10

ROBERT E. KREBS
THELEN REID & PRIEST LLP
EXPRESS MAIL NO. EV310852139US
TRP DOCKET NO.: 034299-538

ROBERT E. KREBS
THELEN REID & PRIEST LLP
EXPRESS MAIL NO. EV310852139US
TRP DOCKET NO.: 034299-538

